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13 EMPLOYEES INSURANCE COMPANY

14
15 UNITED STATES DISTRICT COURT

16 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION
17

18 STANLEY ELLIS,

19 Plaintiff,

20 v.

21 GOVERNMENT EMPLOYEE INSURANCE
COMPANY, a Maryland Corporation,

22 Defendant.
23
24

Case No. 2:22-cv-01580-WBS-JDP

JOINT STIPULATION AND ORDER:

**(1) TO EXTEND DUE DATES FOR
OPPOSITION TO COUNTER MOTION
FOR SUMMARY JUDGMENT AND
REPLY TO SUCH OPPOSITION AND**

**(2) TO CONTINUE HEARING ON
MOTION AND COUNTER MOTION FOR
SUMMARY JUDGMENT**

The Hon. William B. Shubb

Trial Date: July 16, 2024

1 Plaintiff STANLEY ELLIS (“Plaintiff”) and Defendant GOVERNMENT EMPLOYEES
2 INSURANCE COMPANY (“Defendant”) (collectively “the Parties”) respectfully submit this
3 Stipulation and [Proposed] Order to the Court for approval.

4 WHEREAS, the Court’s Initial Pretrial Scheduling Order dated January 13, 2023 (Dkt. 18)
5 states that: “All motions, except motions for continuances, temporary restraining orders, or other
6 emergency applications, shall be filed on or before December 15, 2023” and this Stipulation
7 constitutes a motion for a continuance;

8 WHEREAS, the Court’s Initial Pretrial Scheduling Order dated January 13, 2023 (Dkt. 18)
9 set the Final Pretrial Conference in this action for February 26, 2024;

10 WHEREAS, the Court’s Initial Pretrial Scheduling Order dated January 13, 2023 (Dkt. 18)
11 set the jury trial in this action on April 30, 2024;

12 WHEREAS, on December 15, 2023, Defendant filed a Motion for Summary Judgment or,
13 alternatively, for Partial Summary Judgment (Dkt. 22) (“Defendant’s Motion for Summary
14 Judgment”);

15 WHEREAS, on December 20, 2023, Defendant filed a Consent Order Granting
16 Substitution of Attorney replacing the law firm of Sheppard Mullin Richter & Hampton LLP with
17 the law firm of McCormick Barstow Sheppard Wayte & Carruth LLP as its attorneys of record in
18 this action;

19 WHEREAS, on December 22, 2023, the Parties filed a Stipulation (Dkt. 26) requesting a
20 continuance of the hearing on Defendant’s Motion for Summary Judgment from January 22, 2024
21 to February 20, 2024. The continuance was agreed to by the Parties in order (1) to change the due
22 date for the filing of Plaintiff’s Opposition to that Motion in order to accommodate the schedule of
23 Plaintiff’s counsel during the holidays, and (2) to provide Defendant’s new counsel, McCormick
24 Barstow Sheppard Wayte & Carruth LLP, time to obtain the file materials from Defendant’s prior
25 counsel and to review such materials before being required to prepare a Reply to Plaintiff’s
26 Opposition to Defendant’s Motion for Summary Judgment;

27 WHEREAS, the Stipulation filed by the Parties on December 22, 2023 (Dkt. 26) further
28 requested that the Court modify the Initial Pretrial Scheduling Order dated January 13, 2023 (Dkt.

18) to continue (1) the Final Pretrial Conference from February 26, 2024 to May 6, 2024 or May 20, 2024 depending on the Court's availability, and (2) the trial from April 30, 2024 to July 16, 2024, July 30, 2024 or August 20, 2024 depending on the Court's availability;

WHEREAS, the Court issued a Scheduling Order on December 27, 2023 (Dkt. 27) which, based on the Parties' Stipulation, ordered: (1) the hearing on Defendant's Motion for Summary Judgment be continued from January 22, 2024 to February 20, 2024; (2) Plaintiff's Opposition to Defendant's Motion for Summary Judgment will be due no later than January 16, 2024; (3) Defendant's Reply to Plaintiff's Opposition will be due no later than February 6, 2024; (4) the Initial Pretrial Scheduling Order dated January 13, 2023 (Dkt. 18) be modified to continue the Final Pretrial Conference from February 26, 2024 at 1:30 p.m. to May 6, 2024 1:30 p.m.; and (5) the Initial Pretrial Scheduling Order dated January 13, 2023 (Dkt. 18) be modified to continue the jury trial from April 30, 2024 to July 16, 2024;

WHEREAS, on January 16, 2024, Plaintiff filed his Opposition to Defendant's Motion for Summary Judgment (Dkt. 28) and, pursuant to Local Rule 230(e), a Counter-Motion for Summary Judgment (Dkt. 30);

WHEREAS, the arguments in Plaintiff's Opposition to Defendant's Motion for Summary Judgment and the arguments in Plaintiff's Counter-Motion for Summary Judgment are largely the same;

WHEREAS, based on Local Rule 230(d) and the December 27, 2023 Scheduling Order (Dkt. 27), Defendant's Opposition to Plaintiff's Counter-Motion for Summary Judgment (Dkt. 30) is presently due on January 30, 2024 (14 days from January 16th) but Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment is due on February 6, 2024;

WHEREAS, on January 19, 2024, counsel for the Parties had a conference call during which the Parties agreed, subject to the permission of the Court, that: (1) Defendant's Opposition to Plaintiff's Counter-Motion for Summary Judgment and Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment will both be due on February 6, 2024; (2) Plaintiff's Reply to Defendant's Opposition to Plaintiff's Counter-Motion for Summary Judgment will be due on February 13, 2024; and (3) the February 20, 2024 hearing date on

1 Defendant's Motion for Summary Judgment and Plaintiff's Counter-Motion for Summary
2 Judgment may be continued to March 4, 2024. During the January 19th conference call, the Parties
3 agreed that this continuance and these extensions were necessary in order to allow Defendant a
4 reasonable opportunity to serve and file its Opposition to Plaintiff's Counter-Motion for Summary
5 Judgment and to allow Plaintiff a reasonable opportunity to file his Reply to Defendant's
6 Opposition to Plaintiff's Counter-Motion for Summary Judgment;

7 WHEREAS, Local Rule 230(e) states: "If a counter-motion or other related motion is filed,
8 the Court may continue the hearing on the original and all related motions so as to give all parties
9 reasonable opportunity to serve and file oppositions and replies to all pending motions."; and

10 WHEREAS, on January 19, 2024, the Court clerk advised counsel for Defendant that the
11 hearing on Defendant's Motion for Summary Judgment and Plaintiff's Counter-Motion for
12 Summary Judgment could be moved to March 4, 2024 at 1:30 p.m.

13 THEREFORE, based on the foregoing, the Parties hereby stipulate and agree, and
14 respectfully request that the Court order, as follows:

15 1. The hearing on Defendant's Motion for Summary Judgment and Plaintiff's
16 Counter-Motion for Summary Judgment be continued from February 20, 2024 to March 4, 2024,
17 at 1:30 p.m. in Courtroom No. 5;

18 2. Defendant's Opposition to Plaintiff's Counter-Motion for Summary Judgment will
19 be due on February 6, 2024, the same date on which its Reply to Plaintiff's Opposition to
20 Defendant's Motion for Summary Judgment is due; and

21 3. Plaintiff's Reply to Defendant's Opposition to Plaintiff's Counter-Motion for
22 Summary Judgment will be due on February 13, 2024.

23 Dated: January 22, 2024

GAVRILOV & BROOKS

25 By: /s/ Matthew R. Richard

Ognian Gavrilov

Matthew R. Richard

Attorneys for Plaintiff STANLEY ELLIS

1 Dated: January 22, 2024

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

2
3 By: /s/ James P. Wagoner

4 James P. Wagoner

5 Brandon M. Fish

6 Attorneys for Defendant GOVERNMENT EMPLOYEE
INSURANCE COMPANY

ORDER

The Court, having reviewed the Parties' Joint Stipulation filed on January 22, 2024, and good cause showing, HEREBY ORDERS as follows:


1. The hearing on Defendant's Motion for Summary Judgment or, alternatively, Partial Summary Judgment (Dkt. 22) ("Defendant's Motion for Summary Judgment") and on Plaintiff's Counter-Motion for Summary Judgment (Dkt. 30) be continued from February 20, 2024 to March 4, 2024 at 1:30 p.m. in Courtroom No. 5;

2. Defendant's Opposition to Plaintiff's Counter-Motion for Summary Judgment and Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment will both be due no later than February 6, 2024; and

3. Plaintiff's Reply to Defendant's Opposition to Plaintiff's Counter-Motion for Summary Judgment will be due no later than February 6, 2024;

IT IS SO ORDERED.

Dated: January 23, 2024


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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